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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION**

CENTER FOR ENVIRONMENTAL HEALTH,
NETWORK, BEYOND PESTICIDES, and
PHYSICIANS FOR SOCIAL RESPONSIBILITY

Plaintiffs,

v.

GINA MCCARTHY, in her official capacity as
Administrator of the U.S. Environmental Protection
Agency; and U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

Civil Action No. 3:15-cv-02939-WHO

JOINT STIPULATION TO REPLACE CASE MANAGEMENT ORDERS

Pursuant to Civil L.R. 7-12 and 16-2(d), Plaintiffs Center for Environmental Health Network, Beyond Pesticides, and Physicians for Social Responsibility and Defendants United States Environmental Protection Agency and Administrator Gina McCarthy (EPA) jointly stipulate to and request an order vacating the Court's Order Setting Initial Case Management

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Conference and ADR Deadlines (Dkt. No. 5, June 26, 2015) (Initial Case Management Order) and Case Management Order (Dkt. No. 20, August 5, 2015) (August 5th Order) and replacing them with an order establishing procedures and a briefing schedule as outlined below.

1. Plaintiffs filed this action on June 24, 2015, seeking review of EPA's amended response to Plaintiffs' petition for rulemaking pursuant to Section 706(2)(A) of the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136y. *See* Dkt. No. 1. The petition for rulemaking asked that EPA require the disclosure of certain inert ingredients on pesticide product labels.

2. On June 26, 2015, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines, Dkt. No. 5, establishing, among other things, deadlines for initial disclosures and an initial case management conference.

3. EPA was served with the summons and complaint on or about July 2, 2015.

4. On August 5, 2015, the Court issued a Case Management Order, Dkt. No. 20, establishing, among other things, requirements for a case management conference and case management statement.

5. The parties agree that this case, which seeks review of a final agency action under the APA, should be resolved based on the administrative record that the agency will present to the Court, *see, e.g., San Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d 581, 602-604 (9th Cir. 2014), and that, therefore, this matter is exempt from initial disclosures under Federal Rule of Civil Procedure 26(a)(1)(B)(i). The parties further agree that typical discovery requirements are inapplicable and that this case should be resolved on cross-motions for summary judgment.

6. Notwithstanding the above, Plaintiffs reserve the opportunity to file a motion to seek discovery.

7. The parties stipulate to and request an order vacating the Initial Case Management Order and August 5th Order and establishing the procedures and schedule outlined in Paragraph 9 below.

8. The parties are aware of Civil L.R. 16-5, which establishes a procedure and deadlines for the agency's answer, service of the administrative record, and filing of cross-motions for summary judgment in certain actions to review an administrative record. The parties have conferred and agreed to propose an alternate schedule suitable to the parties' respective schedules.

9. The parties stipulate to and request an order establishing the following procedure and schedule:

Answer and Service of the Record: EPA's deadline to file an Answer shall be September 30, 2015. Also by September 30, 2015, EPA shall serve an electronic copy of the administrative record on the Plaintiffs and file a certified index to the administrative record with the Court. The parties shall submit relevant record excerpts to the Court with their cross-motions for summary judgment.

Dispositive Motions: The following briefing schedule shall apply to the parties' cross-motions for summary judgment:

December 14, 2015	Plaintiffs' Motion for Summary Judgment (25 pages)
February 19, 2016	EPA's Response and Cross-Motion for Summary Judgment (25 pages)
March 18, 2016	Plaintiffs' Response to EPA's Motion and Reply (20 pages)
April 15, 2016	EPA's Reply (20 pages)

The parties hereby stipulate to and request an order by the Court that would vacate the Initial Case Management Order and August 5th Order and replace them with the procedures and deadlines proposed in Paragraph 9 above.

Respectfully submitted this 6th day of August, 2015.

/s/ A. Yana Garcia (with permission)

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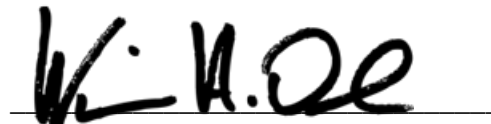
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

**The hearing on the cross-motions for summary judgment shall be held on
Wednesday, May 11, 2016, at 2:00 p.m. in Courtroom 2.**

DATED:

A handwritten signature in black ink, appearing to read "W. H. Orrick", is written over a horizontal line.

HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE